

REMARKS

Entry of the foregoing and still further reexamination and reconsideration of the subject application, as proposed to be amended, pursuant to and consistent with 37 C.F.R. § 1.116, are respectfully requested in light of the following remarks.

Claims 1-44 remain in this application.

The courtesy of the telephone interview granted by Examiner Gorr to applicant's undersigned representative on August 31, 2006, is gratefully acknowledged. Applicant earlier asserted that the functionality for Example 1 of Laas et al. '629 was below the amount "greater than 3" recited in applicant's claim 1. However, in the final rejection the Examiner stated that according to her calculations, the functionality for the reference's Example 1 was at least three. In the telephone interview, applicant's representative requested information as to how the Examiner calculated the functionality. The Examiner was unable to arrive at the amount she previously calculated and indicated that she would consider a 132 Declaration after final showing Laas et al.'s functionality as not being greater than three as making the case allowable over Laas et al.

Before discussing the accompanying 132 Declaration referred to in the interview summary, applicant wishes to discuss the proposed claim amendments and the other matters raised in the outstanding Official Action.

Claim 2 is proposed to be amended simply by rewriting it as an independent claim reciting the features of claim 1 from which it previously depended, further limited to a functionality of greater than 3.5. Claim 2 is thus even more remote from Laas et al. than is claim 1.

Claim 6 is proposed to be amended by rewriting it as an independent claim reciting the features of claim 1 from which it previously depended, further limited to a mass ratio $[c)(i)+c)(iii)]/b$ of greater than 2. This claim was objected to by the Examiner as dependent upon a rejected claim; the proposed amendment thus overcomes the record objection.

Claim 18 is proposed to be amended to delete the second, redundant recitation of indolyl.

Claim 29 is proposed to be amended by rewriting it as an independent claim reciting the features of claim 2 from which it previously depended, further limited to a functionality of greater than 4. Claim 29 is thus more remote from Laas et al. than are claims 1 and 2.

Claim 43 is proposed to be amended to recite that a degree of conversion of at least 40% is achieved and thus to correct an obvious error therein. This claim is now directed to the embodiment previously deleted from claim 19 as it was originally intended to do.

In view of the foregoing, it is clear that the proposed claim amendments do not raise any new matter issues. Further, they are believed to overcome rejections or objections made by the Examiner. Entry of these amendments is therefore believed to be appropriate and is earnestly solicited.

Turning to the Office Action, applicant first notes, with appreciation, that the Examiner has acknowledged the claim for foreign priority and receipt of the certified copy of the priority document.

Claim 43 has been objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. As

noted above, this claim was intended to further limit claim 19 and the proposed amendment overcomes this objection by specifying at least 40% conversion. Entry of the amendment and withdrawal of the objection are believed to be in order and are respectfully requested.

Claims 6, 31 and 32 have been objected to for depending upon rejected claims. Claim 6 has been rewritten as an independent claim, as discussed above, so that it no longer depends from a rejected claim. This amendment thus places claim 6 in allowable form and should therefore be entered. Claim 31 and 32 depend directly or indirectly from claim 6; therefore, the proposed amendment of claim 6 places these claims in allowable form as well. Allowance of claims 6, 31 and 32 is therefore in order and earnestly solicited.

Claims 1-5, 7-14, 19-23, 27-30, 33-41, 43 and 44 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Laas et al. '629. In addition, claims 1, 15-18, 24-26 and 42 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Laas et al. '994 in view of Saunders.

As noted previously, Example 1 of Laas et al. '629 discloses a dimerization carried out in the presence of a diol (1,3-butanediol). The alcohol reacts with the isocyanate functions and leads to the formation of carbamates or polyurethanes, which in turn increase viscosity and lower functionality. Laas et al. do not provide applicant's low viscosity polyisocyanate composition having high functionality. Claim 1 herein requires a functionality of greater than 3, claim 2 requires a functionality of greater than 3.5 and claim 29 requires a functionality of greater than 4. Applicant has calculated the functionality for Example 1 of Laas et al. '629 using the determination of functionality described in detail on pages 15-16 of the specification.

These calculations are shown in Appendix II of the accompanying 132 Declaration of Jean-Marie Bernard, the present inventor. As shown in Appendix II, and as stated in the Declaration, Dr. Bernard has calculated the functionality of the mixture prepared in Example 1 of Laas et al. '629 as 2.56, which is significantly lower than the "greater than 3" functionality recited in present claim 1. (The amounts in claims 2 and 29 are even further removed from those of Laas et al.) It is also pointed out that, as shown on the second page of Annex II, the amount of heavy non-urethane oligomers (13.34%) is much lower than the mass of at least 40% specified in part c) of claim 1.

In view of the foregoing and the accompanying declaration, the anticipation rejection is untenable and should be withdrawn.

Laas et al. '994 teaches essentially the same thing as Laas et al. '629 in using a diol in the preparation of the polyisocyanate composition. Therefore, Laas et al. differs by the presence of an alcohol, leading to formation of polyurethanes and carbamates, which increase viscosity and lower functionality, as well as by not specifying blocking agents. The secondary reference discloses well-known blocking agents but does not provide for eliminating the alcohol. Thus, the situation regarding Laas et al. '994 is the same as with Laas et al. '629 and applicant's showing equally convincing with respect thereto.

In light of the foregoing amendment and remarks and the accompanying Declaration, it is believed that all record rejections and objections are overcome.

Entry of the amendment and allowance of all of the claims are believed to be
in order and are respectfully solicited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 13, 2006

By: Mary Katherine Baumeister
Mary Katherine Baumeister
Registration No. 26254

Attachment: 132 Declaration

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620